



PATENT
Docket No.: 21829/31 (EBC-002)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Wei et al.
Serial No. : 09/412,100
Cnfrm. No. : 9211
Filed : October 4, 1999
For : HYPERSENSITIVE RESPONSE ELICITOR
FRAGMENTS WHICH ARE ACTIVE BUT
DO NOT ELICIT A HYPERSENSITIVE
RESPONSE

Examiner:
H.A. Robinson

Art Unit:
1653

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PRELIMINARY AMENDMENT

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202
Box: CPA

Dear Sir:

In response to the July 26, 2002, office action, please amend the above-identified patent application as follows:

In the Specification:

Please replace the paragraph beginning at page 32, line 27, and ending at page 33, line 5, as amended in the Amendment filed May 6, 2002, in response to the Office Action mailed November 6, 2001, with the following replacement paragraph:

B1
[An example of suitable fragments of a hypersensitive response elicitor which do not elicit a hypersensitive response include fragments of the *Erwinia amylovora* hypersensitive response elicitor. Suitable fragments include a C-terminal fragment of the amino acid sequence of SEQ ID NO: 23, an N-terminal fragment of the amino acid sequence of SEQ ID NO: 23, or an internal fragment of the amino acid sequence of SEQ ID NO: 23. The C-terminal fragment of the amino acid sequence of SEQ ID NO: 23 can span the

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03 FC:1202 594.00 CH
05 FC:1400 130.00 CH